



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/047,272	03/24/98	MOETTELI	J 777

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EXAMINER

LA, A

ART UNIT

PAPER NUMBER

2736

06

DATE MAILED:

10/07/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/047,272

Applicant(s)
Moetteli

Examiner
Anh La

Group Art Unit
2736



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on 6/15/98 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2736

DETAILED ACTION

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration in a continuation-in-part application filed under the conditions specified in 35 U.S.C. 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

2. The drawings are objected to because in figure 4a, block numbers 140, 134, 26, 121, and 260', and in figure 4b, block numbers 20, 22, 254, and 350 should be labeled.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

3. The specification is objected to because the first sentence "This is aby reference." should appear before "Background of the Invention" heading in order to obtain benefits under 35 USC 120.

The specification is objected to because the left edge of each sheet has words cut-off. Disclosure not "legible" per 37 CFR 1.52 (a) and 152 (b) requires a substitute specification.

Art Unit: 2736

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerber.

Regarding claim 1, Gerber discloses a traffic law enforcement system comprising at least two enforcement units (10, 10') having license plate readers being spaced apart a given distance, at least one central computer (31) receiving inputs from the units (column 3, lines 67-68, col. 4, lines 1-16), and the units and the central computer cooperating to calculate an average velocity of a vehicle passing between the two units, using the inputs of drivable distance between enforcement units, posted speed limit data, and time lapsed (col. 6, lines 17-23, 39-43).

Regarding claim 3, Gerber discloses a traffic law enforcement system comprising at least two enforcement units (10, 10') reading identifying indicia from passing vehicles, one central computer (31) receiving inputs from the units (column 3, lines 67-68, col. 4, lines 1-16), the central computer associating a time of the transmission accessing a table including an estimation of shortest-travel-time drivable distance and an estimation of the maximum average permissible velocity, calculating the average speed of an alleged vehicle, and comparing the maximum average permissible velocity with the average speed of the alleged vehicle (col. 6, lines 17-23, 39-43).

Regarding claim 5, the traffic law enforcement system of Gerber has a signal to capture an image of the vehicle (col. 3, lines 67-68, col. 4, lines 1-16, and col. 6, lines 17-23, 39-43).

Art Unit: 2736

Regarding claim 6, the traffic law enforcement system of Gerber has at least three enforcement units and at least two images of the vehicle being recorded (fig. 1-2a, 2b, col. 3, lines 67-68, col. 4, lines 1-16, and col. 6, lines 17-23, 39-43).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber in view of Pagano.

Regarding claims 2 and 4, Gerber discloses all the claimed subject matter as set forth above in the rejection of claim 1, and further discloses attachment means (figures 2a-2b), but does not disclose at least one decoy unit. Pagano discloses a system using at least one decoy unit (col. 1, lines 25-35). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include at least one decoy unit to the traffic law enforcement system of Gerber as taught by Pagano for the purpose of replacing the enforcement unit by a decoy unit to reduce the cost and permitting the system to provide a deterrent effect.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2736

Kupersmit discloses a vehicle speed monitoring system.

Echigo discloses an apparatus and method for detecting a velocity of a moving object.

Mira discloses a process and device for securing data mixed into an image.

Hoffmann discloses a traffic sign and improved system for recording vehicle speed.

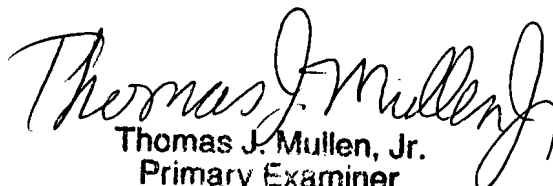
Kruger discloses a moving object detector using differentially combined optical sensors having intersecting axes.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner La whose telephone number is (703) 305-3967. The examiner can normally be reached on Monday--Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703)-305-4717. The fax phone number for this Group is (703)305-3988 .

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Anh Van La
September 30, 1998


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2736